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Message Text

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ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-02 /025 W
---------- 114695
R 130913Z MAY 75
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC 0083

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E.O. 11652: N/A
TAGS: EAIR, JA
SUBJ: CIVAIR: REVIEW OF CURRENT PROBLEMS

REF: TOKYO 5565

SUMMARY. IN MEETING ON MAY 12 WITH FUKADA, DEPUTY DIRECTOR-GENERAL, AMERICAN AFFAIRS BUREAU, FONOFF, E/C COUNS REVIEWED OUTSTANDING CIVIAR PROBLEMS BETWEEN U.S. AND JAPAN AND URGED THAT FONOFF TAKE MORE ACTIVE ROLE IN ASSURING THAT CIVAIR COMMITMENTS AND AGREED PROCEDURES ARE OBSERVED MORE CAREFULLY. END SUMMARY.

1. E/C COUNS OPENED DISCUSSION BY NOTING THAT JCAB SEEMED STILL TO BE OPERATING IN A WORLD OF ITS OWN, WITH LITTLE INCLINATION TO PAY ATTENTION TO WHAT EMBASSY--AND PRESUMABLY FONOFF--HAS BEEN SAYING ON SERIES OF CIVAIR PROBLEMS WHICH HAVE RECENTLY ARISEN.

2. RECALLING THAT JCAB HAD ATTACHED CONDITIONS TO OPERATING PERMIT FOR PAN AM'S APRIL 9 SCHEDULE WHICH ARE CLEARLY INCONSISTENT WITH US/JAPAN CIVAIR AGREEMENTS, E/C COUNS STATED THAT JCAB, FAR FROM WITHDRAWING CONDITIONS AS WE HAD REQUESTED, WAS NOW PRESSING PAN AM TO COMPLY WITH ONE OF THE CONDITIONS, I.E. SUBMISSION OF TRAFFIC DATA WHICH JCAB CONSIDERS NECESSARY TO DETERMINE WHETHER PAN AM'S NEW JAPAN-GUAM CARGO SERVICE IS JUSTIFIED. HE SAID THAT IF
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JCAB QUESTIONS WHETHER THE NEW SERVICE IS JUSTIFIED IN TERMS OF MARKET DEMAND, PROCEDURES FOR RESOLVING QUESTION ARE CLEARLY DEFINED IN THE 1959 AGREED MINUTES. HOWEVER, INSTEAD OF OBSERVING THESE PROCEDURES, WHICH ENVISION

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GOVERNMENT-TO-GOVERNMENT CONSULTATIONS, JCAB HAS INAPP-
ROPRIATELY SOUGHT TO REQUIRE JUSTIFICATION DIRECTLY FROM
PAN AM.

3. E/C COUNS NOTED THAT JCAB HAD TAKEN SOMEWHAT SIMILAR
ATTITUD WITH RESPECT TO NORTHWEST'S APRIL 27 SCHEDULE. IN
THIS INSTANCE, AGREED PROCEDURES WERE FOLLOWED UP TO A
POINT; IN LETTER TRANSMITTING JCAB OPERATING PERMIT,
FONOFF EXPRESSED GOJ VIEW THAT NEW SERVICE BETWEEN JAPAN
AND PHILIPPIES MIGHT NOT BE JUSTIFIED Y TRAFFIC DEMAND
AND RESERVED RIGHT TO REQUEST CONSULTATIONS. JCAB, HOWEVER,
INAPPROPRIATELY ATTACHED A TERMINATION DATE TO OPERATING
PERMIT ITSELF. E/C CNS HOPED FONOFF WOULD BE ABLE TO
PERSUADE JCAB TO WITHDRAW THIS CONDITION WITHOUT A FORMAL
REPRESENTATIN FROM EMBASSY (SEE TOKYO 6266).

4. CONCERNING PAN AM'S PROPOSED MAY 22 SCHEDULE, E/C COUNS
RECALLED THAT ONE ADDITIONAL FREQUENCY AT OSAKE IS IN-
VOLVED. HE SAID PAN AM RECOGNIZES THE PROBLEM THIS CAUSES
FOR JCAB -- BECAUSE OF ITS POLICY OF MINIMIZING FLIGHTS AT
OSAKA -- AND THAT PAN AM HAD ACCORDINGLY VOLUNTARILY OFFERED
TO SUSPEND ONE OF ITS CURRENT OSAKA FLIGHTS BETWEEN MAY
22 AND JUNE 30, AND TO CANCEL THE FLIGHT FROM JULY 1
(TOKYO 5917). E/C COUNS SAID HE HOPED JCAB, IN RECOGNITION
OF PAN AM'S COOPERATIVE ATTITUDE, WOULD NOW ACT FAVORABLY
AND EXPEDITIOUSLY ON THE MAY 22 SCHEDULE AS FILED.

5. E/C COUNS TOUCHED BRIEFLY ON CBIT FARE ISSUE AS
ANOTHER EXAMPLE OF JCAB'S ACTIONS CONTRARY TO BILATERAL
AGREEMENTS. HE NOTED, HOWEVER, THAT THIS ISSUE SEEMED TO
BE MOVING IN DIRECTION OF AN ACCOMMODATION IN THAT WE HAD
LEARNED INDIRECTLY (FROM PAN AM/TOKYO) THAT JAL AND NORTH-
WEST, FOLLOWING PAN AM'S LEAD, HAD FILED REQUESTS WITH
USCAB FOR AUTHORIZATION TO CONSULT, AND THAT HE ASSUMED
USCAB WOULD ACT ON THESE REQUESTS IN NEAR FUTURE.

6. SUMMARIZING, E/C COUNS ASKED THAT FONOFF ASSIST IN
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SEEKING RESOLUTION OF CIVAIR PROBLEMS AND PROVIDE EMBASSY
WITH AN EARLY RESPONSE ON OUTSTANDING ISSUES, PARTICULARLY
ON CONDITIONS ATTACHED TO PAN AM'S APRIL 9 SCHEDULE IN
ORDER TO REMOVE PRESSURE WHICH JCAB BRINGING TO BEAR ON
CARRIER. HE NOTED THAT EMBASSY AWAITING RESPONSE TO ITS
ARPIL 21 REPRESENTATION (TOKYO 5292).

7. FUKADA AGREED THAT FONOFF WOULD NEED TO DISCUSS PROBLEMS
AGAIN WITH JCAB AND PRESS FOR SATISFACTORY RESPONSES TO
EMBASSY REPRESENTATIONS. HE ALSO SUGGESTED THAT IT MIGHG
BE USEFUL TO ARRANGE FOR OFFICIALS OF FONOFF, JCAB, AND
EMBASSY TO REVIEW US-JAPAN CIVAIR RELATIONSHIP ON INFORMAL

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BASIS AT EARLY DATE. E/C COUNS WAS NONCOMMITTAL ON THIS
SUGGESTION. HE EXPLAINED THAT WE HAD CONSIDERED IT
NECESSARY TO TAKE UP THESE PROBLEMS WITH FONOFF BECAUSE
THEY RELATE TO GOJ COMMITMENTS UNDER BILATERAL AGREEMENTS.
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